

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF NEW YORK

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LAURETTE LYNCH,

Plaintiff(s),

ORDER TO SHOW CAUSE

-against-

CV 07-2830 (JS)(WDW)

FEDERAL EX EXPRESS,

Defendant(s).

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Wall, William D., Magistrate Judge:

By motion filed and served May 16, 2008, the defendant seeks issuance of an order to show cause why this case should not be dismissed for plaintiff's failure to prosecute and the plaintiff sanctioned. DE[17] The motion is unopposed by the pro se plaintiff and is granted. The motion sets forth factual details that would justify a dismissal pursuant to Rules 37 and/or 41, including her failure to appear at a deposition or respond to discovery requests, and the plaintiff is warned that the undersigned will make recommend dismissal if she fails to appear at the show cause hearing scheduled herein. The plaintiff will be given an opportunity to address those factual allegations at a show cause hearing to be held on **June 23, 2008 at 10:00 a.m.** so that the plaintiff can show cause why the undersigned should not recommend that the case be dismissed with prejudice for failure to prosecute and why sanctions should not be imposed. The plaintiff is warned that such a dismissal would end her claims against the defendant with finality.

The defendants' request to participate in the show cause hearing by telephone is granted. They shall notify the court of a telephone number where they can be reached on that date. The plaintiff shall appear in person. A copy of this order will be mailed to the plaintiff at her address of record by the court. The defendant is also directed to email a copy of it to Ms. Lynch upon receipt.

Any request to adjourn this show cause hearing, whether filed by the defendant or the plaintiff, must contain dates during the week of June 23 that are acceptable to both parties. Thus, the parties are directed to consult with one another concerning alternative dates before filing any motion for adjournment. Any request for an adjournment that does not meet this requirement or that does not contain details of the movant's efforts to contact the other party will be rejected and the hearing will go forward as scheduled. If the plaintiff wishes to discontinue the action, she should notify the court. Extensions of the discovery deadlines will be discussed at the hearing if the recommendation of dismissal is not made.

Dated: Central Islip, New York
May 29, 2008

SO ORDERED

/s/ William D. Wall
William D. Wall
United States Magistrate Judge